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09/852358

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9/23/03  
L. Ellis

# PROTEST UNDER 37 CFR 1.291(a)

Patent Application Number:  
Series Code:  
Name of Applicant:  
Filing Date:  
Title:

852358  
09  
Rodriguez-Cue, Domingo  
May 9, 2001  
System and method for providing wireless,  
paperless medical care and communication  
Jinan Glasgow  
PO Box 28539  
Raleigh, NC 27611-8539  
U.S. Current Class: 705/3  
U.S. Class at Publication: 705/3  
Intern'l Class: G06F017/60

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Date: April 21, 2003

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City, State, ZIP+4 Raleigh, NC 27611-8539	

PS Form 3800, January 2001 See Reverse for Instructions

1508 8051  
7724 7724  
1000 1000  
0150 0150  
2002 2002



Name of Applicant: Rodriguez-Cue, Domingo      Application Number: 852358  
Filing Date: May 9, 2001      Title: System and method for providing wireless, paperless medical care and communication

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We protest Patent Application # 852358, titled "System and method for providing wireless, paperless medical care and communication", and filed May 9, 2001. The "inventor" in this application is Dr. Domingo Rodriguez-Rodriguez-Cue.

Dr. Rodriguez-Cue did not invent many of the specific items claimed in this application. They are features of the Practice Today software product, copyrighted by Legacy Press. We were selling Practice Today for years prior to Dr. Rodriguez-Cue's patent application. In 2000, Practice Today ran on both desktop and portable computers, on both single computers and on LAN's, and on both computers connected by wires and computers with wireless connections.

Dr. Rodriguez-Cue bought a copy of Practice Today from us in April 2000. We are dismayed and amazed that he would attempt to patent the features of our software. We did not even find out that he submitted this application until his lawyer sent us a letter requesting royalties in January 2003. The features of Practice Today included in his application are the products of our efforts, not his.

By using the Wayback Machine Internet archive, [www.archive.org](http://www.archive.org), you can inspect previous versions of our web site, [www.legacypress.com](http://www.legacypress.com). This documents the features possessed by Practice Today prior to Dr. Rodriguez-Cue's patent application. You can also download previous versions of Practice Today.

Dr. Rodriguez-Cue's application contains no drawings of any of the "templates for patient charts" that he describes. The reason for this is that the templates he used in his office were computer screens from Practice Today, copyright Legacy Press.

The specific claims in the application that are features of Practice Today available in 2001 are claims 3 through 15 and 27 through 36, and 39 through 41. If you go to the October 8, 2000 version of the [www.legacypress.com](http://www.legacypress.com) website, and follow the link named 'Screen Snapshots', you will find Practice Today computer screens that pre-dated Dr. Rodriguez-Cue's patent application. By following the link 'Features and Benefits', you will find lists of features that pre-dated his patent application. Or you can examine the attachment, which shows specific Practice Today computer screens and feature lists that refute Dr. Rodriguez-Cue's claims. These are all examples of relevant prior art.

Dr. Rodriguez-Cue's patent application does not mention our Practice Today software anywhere. This is in spite of the fact that he purchased the software from us a year before his application was filed. This is in spite of the fact that he was using Practice Today in his medical practice. The absence of any information about Practice Today in Dr. Rodriguez-Cue's application shows that he failed in his duty to disclose information material to patentability under 37 CFR 1.56. This failure of the duty to disclose is bad

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faith or intentional misconduct, and therefore the patent should be denied under 37 CFR 1.56(a).

In 2001, Legacy Press was not the only company selling software for use on portable computers in medical offices. There were literally hundreds of others. We believe that many of our competitors also had computer screens and features that fit the descriptions given by Dr. Rodriguez-Cue in his patent application. Neither Dr. Rodriguez-Cue, nor Legacy Press, nor anyone else should be able to patent the ideas behind such software. We suggest that you use the Wayback Machine Internet archive to inspect previous versions of other medical software sites. For example, try 2000/2001 versions of [www.americanmedical.com](http://www.americanmedical.com) and [www.medsoftware.com](http://www.medsoftware.com).

In addition to our specific objections above, we believe that no patent should be granted to Dr. Rodriguez-Cue under 35 USC 103(a). The subject matter of his application would have been obvious to anyone familiar with the state of the art in 2001. Dr. Rodriguez-Cue's application seeks to patent the use in a medical office of LAN's, WAN's, portable computers, wireless connections between computers, universal equipment-integrating devices, security software using encryption, and biometric devices for user login. Dr. Rodriguez-Cue did not invent or patent LAN's, WAN's, portable computers, wireless connections, universal equipment-integration devices, security software using encryption, or biometric devices for user login. In 2001, these technologies had been available for years. In 2001, it was obvious that any of these devices or any combination of them could be used in medical offices.

Lauretta Carroll



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CEO, Legacy Press

John Epperson



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CFO, Legacy Press

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### Specific Computer Screens and Features of Practice Today that Refute Specific Claims

This is an attachment to the protest of Patent Application # 852358, titled "System and method for providing wireless, paperless medical care and communication" and filed May 9, 2001. By using the Wayback Machine internet archive, we have located the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com). From this archived website, there are reproduced below specific computer screens and specific descriptions of features from the October 8, 2000 version of the Practice Today software product. This shows that many of the specific claims made in the patent application are in fact prior art.



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Name of Applicant: Rodriguez-Cue, Domingo Application Number: 852358 Date Filed: May 9, 2001  
 Title: System and method for providing wireless, paperless medical care and communication

**Claims 3, 4, 5, 6, 7, and 10**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Electronic Medical Records', then 'EMR'.

**Electronic Medical Record (EMR) - Doe, John Martin**

Account #	Name	Next Appt	Next Recall	Pt Status
1001	Doe, John Martin	08/31/2000		?

<b>Medical Diagnoses</b>	<b>Active Medications</b>	<b>Medical Notes</b>
Congestive heart failure	AVAPRO 150MG bid po ECOTRIN 81MG bid po FURROSEMIDE 40MG bid po LANOXIN 0.125MG bid po	CHF

<b>Allergies</b>	<b>Immunizations</b>	<b>Lab Work Pending</b>
CAT DANDER	Hepatitis B	

<b>Vitals</b>	<b>Temp</b>	<b>Wt</b>	<b>Height</b>	<b>BP</b>	<b>Pulse</b>	<b>Resp</b>	<b>O<sub>2</sub></b>
10/11/2000	98	144	5ft 6in	110/90			ASD

<b>MedRx</b>	<b>Dxcs</b>
<b>Meds</b>	<b>SDAP</b>
<b>Notes</b>	<b>Refc</b>
<b>Alter</b>	<b>Phar</b>
<b>Immu</b>	<b>Hosp</b>
<b>Labs</b>	<b>Pt Fic</b>
<b>Vitals</b>	<b>Pulmo</b>
<b>Pt Rpt Info</b>	

Print  
 DONE

Name of Applicant: Rodriguez-Cue, Domingo    Application Number: 852358    Date Filed: May 9, 2001  
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**Claims 3, 4, 5, 6, 7, and 10 (continued)**

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Claim 3 states "The system of claim 1 wherein the portable computer software includes at least one template for patient charts." In the computer screen shown above, Practice Today already had at least one template for patient charts. This refutes claim 3.

Claim 4 states "The system of claim 3, wherein the at least one template includes multiple database fields from patient records." In the computer screen shown above, Practice Today already had multiple database fields from patient records on one template. This refutes claim 4.

Claim 5 states "The system of claim 3, wherein the at least one template includes multiple data charts." In the computer screen shown above, Practice Today already had multiple data charts on one template. This refutes claim 5.

Claim 6 states "The system of claim 3, wherein the at least one template includes a synoptic view of the multiple data charts." In the computer screen shown above, Practice Today already had a synoptic view of the multiple data charts. This refutes claim 6.

Claim 7 states "The system of claim 3, wherein the at least one template is an editable template." Since the Practice Today data fields in the computer screen shown above are editable, this refutes claim 7.

Claim 10 states "The system of claim 3, wherein the at least one template is multiple template." In the computer screen shown above, Practice Today already had a multiple template. This refutes claim 10.

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**Claims 8, 11 through 15, 32, and 34**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Electronic Medical Records', then 'Notes'.

**Edit Patient Medical Note**

Account #	Name	Next Appt	Next Recall	Pl Status	By/Entry/Case
1001	Don John Martin	08/31/2000			ASD

Note Date	Time	Page #	Topic
08/23/2000	05:53 AM	1	CHF

Provider this visit: Abbey S. Duck MD

Diagnosis this visit:

- + Congestive heart failure - 404.11

Level of visit:

OV New Focused 39201

Medication prescribed this visit:

- + AMIODARONE 200MG bid po Take with food Added
- + AVAPRO 150MG bid po Take with food Added
- + FURUSEMIDE 40MG bid po Added
- + LANDXIN 0.125MG bid po Added
- + ECOTRIN 81MG bid po Added

Form Meds Dx Alter Labs Vols Inrtu Lit Bill Conf Messages Summary On H4 < > < > Close Note **DONE**



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**Claims 8, and 11 through 15 (continued)**

Claim 8 states "The system of claim 3, wherein the at least one template is a customizable template that helps to build office and hospital notes including discharge summaries." The Practice Today computer screen shown above is a customizable template that helps to build office and hospital notes including discharge summaries. This refutes claim 8.

Claim 11 states "The system of claim 3, wherein the at least one template is a non-formatted open structure template." The Practice Today computer screen shown above is a non-formatted open structure template. This refutes claim 11.

Claim 12 states "The system of claim 3, wherein the at least one template builds a discharge summary." In the Practice Today computer screen shown above, pressing the button 'Summary On' would allow the user to build a discharge summary. This refutes claim 12.

Claim 13 states "The system of claim 3, wherein the discharge summary is built from the daily summaries." Since Practice Today stored all the daily medical notes including summaries, as shown above, the doctor could use the daily summaries to build the discharge summaries. This refutes claim 13.

Claim 14 states "The system of claim 3, wherein the at least one template includes automatic integration of electronic medical records and pass through billing with code linking". Please notice in the computer screen above the phrase 'OV New Focused 99201'. By clicking on that phrase, Practice Today automatically would bill procedure code 99201. This refutes claim 14.

Claim 15 states "The system of claim 3, wherein the at least one template includes automatic importing of data from other components of the system." On the Practice Today computer screen shown above, the diagnosis and medications shown were imported from other Practice Today databases. This refutes claim 15.

Claim 32 states "The system of claim 31, wherein the insurance processing includes pass-through billing." Please notice in the computer screen above the phrase 'OV New Focused 99201'. By clicking on that phrase, Practice Today automatically would bill procedure code 99201. This refutes claim 32.

Claim 34 states "The system of claim 31, wherein the insurance processing includes pass-through prescribing." Please notice in the computer screen above the phrase 'AMIODARONE 200MG bid po Take with food'. By clicking on that phrase, Practice Today automatically would bill procedure code 99201. In fact the '+' sign in front of the 'AMIODARONE' indicates that the pass-through prescription has already taken place. The use of '+' signs is mentioned in the seventh paragraph of the 'Detailed Description of the Preferred Embodiments', but this is an idea that Dr. Rodríguez-Cue took from Practice Today. This refutes claim 34.

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### Claim 9

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Patient Entry Screens', then 'Basic Patient Info'.

Patient Entry - Doe, John Martin

Collection

Account #

1001

Family Acc#

1001

Alt ID#

First Name

John

Middle Name

Martin

Last Name

Doe

Title

Nickname

Full

Address

123 Main Street

Zipcode

25401

State

WV

City

Martinsburg

Unlisted Home Phone

(304) 555-5555

Work Phone

(304) 555-3030

FAX

(304) 555-1919

Email Address

ind@aol.com

New App

08/31/2000

Date of Birth

Age

SSN

Sex

M

Marital Status

F

Emp Status

Patient Status

Occupation

Next Recall

Notes

Confidential

☐

Bill Pk

☒

Ins

☒

W/C

☒

Picture

☐

Alerts

☐

Pt Card

☐

Print

☐

Insur

Emp

Doc

Student

Dr

Trans

Pt Bill

Claims

W/C

Credit

Notes

Ther

App

Refills

Contacts

Family

Misc

Medical Records

DONE

Claim 9 states "The system of claim 3, wherein the at least one template includes pull down lists for quick selection for template items insertion into the template." In the Practice Today computer screen above, clicking the boxes to the right of Sex, Marital Status, and Emp Status will display pull down lists. There were other pull down lists on other Practice Today screens. If this isn't enough by itself to refute this claim, consider that the Windows operating system has been using pull down lists for years before 2001.

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### Claims 27 & 28

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Electronic Medical Records', then 'Medications'.

**Patient Medications**

Account #1: 1001 Name: Doe, John Martin Next Appt: 10/31/2000 Pt Status:   
 ACTIVE Meds (Double click to toggle Pt Rx)

Date	Pt	Drug & Dosage	Div
10/08/2000	X	AMIODARONE 200MG bid po	#60
10/08/2000	X	AVAPRO 150MG bid po	#60
10/08/2000	X	ECOTRIN 81MG bid po	#120
10/08/2000	X	FUROSEMIDE 40MG bid po	#60
10/08/2000	X	LANOXIN 0.125MG bid po	#60

Heart Medication:   
 Add Edit Rem Print Disc Show Disc Pt Rx En All Rx Check IP an Phone Rx ASD **DONE**

**Formulary**

Drug & Dosage (Double click to select)
AMIODARONE 200MG bid po
ASPRIN 350 MGS bid po
AVAPRO 150MG bid po
ECOTRIN 81MG bid po
FUROSEMIDE 40MG bid po
LANOXIN 0.125MG bid po
TYLENOL 300 MGS bid po

Claim 27 states "The system of claim 3, wherein the server software provides at least one formulary." In the Practice Today computer screen above, clicking the box to the right of the word 'Formulary' would access the main formulary. This refutes claim 27.

Claim 28 states "The system of claim 27, wherein the at least one formulary is a drop down formulary." In the Practice Today computer screen above, the gray entries under the words 'Drug & Dosage (Double click to select)' is a drop down formulary. This refutes claim 28.



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**Claim 29**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Electronic Medical Records', then 'Medical Diagnoses'.

**Patient Medical Diagnoses**

Account # [100]    Name [Doe, John/Martin]    Next Appt [08/31/2000]    Next Recall [ ]    Pt Status [ ]

**ACTIVE Medical Diagnoses**

Date	Medical Diagnosis	Dx	Desc
08/24/2000	Congestive heart failure	244	Acquired hydropneumothorax
		41.5.9	Angina
		49C.9	Asthma
		49C	Bronchitis
		40d.11	Congestive heart failure
		40i.1	Hypertension
		40C.00	Hypertension with heart involvement

Billing Dx #1: 2, 3, 4: 40d.11    ☒ 41.5.9    ☒ 49C.9    ☐ 49C    ☐ 40i.1    ☐ 40C.00   

Claim 29 states "The system of claim 1, wherein the server software provides diagnosis code lists." The Practice Today computer screen above contains a list of diagnosis codes. This refutes claim 29.

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**Claims 30 and 37**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Electronic Medical Records', then 'SOAP Notes'.

**SOAP Notes**

Account #  Name  Next Appt  Next Recall  Pt Status

1001  Doe, John Martin  08/31/2000

Visit Dates
08/23/2000
08/27/2000
09/18/2000
10/08/2000

**S** Headache; Stuffy nose;

**O** Vitals: 10/08/2000 03:16 AM Temp: 98; Wt: 135; BP: 120/90;

**A** Diagnoses: 404.11: Congestive heart failure;

**P** Medications: AMIODARONE 200MG bid po; AVAPRO 150MG bid po; ECOTRIN 31MG bid po; FUROSEMIDE 40MG bid po; LANOXIN 0.125MG bid po;

Claim 30 states "The system of claim 1, wherein the server software provides aid with formulating and assessment and treatment plans." The Practice Today computer screen above provides aid by placing all the relevant data of the patient together on one screen. The Practice Today Medications and Prescription Writer Features page below shows that Practice Today checked for drug-drug, drug-diagnosis, drug-allergy, and drug-pregnancy interactions. This refutes claim 30.

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**Claim 30 and 37 (continued)**

Claim 37 states "The system of claim 1, wherein the clinical equipment provides functions selected from the group consisting of assessment, plan, and combinations thereof." In the Practice Today computer screen above, the term S.O.A.P. Notes stands for Subjective, Objective, Assessment, and Plan. Practice Today summarized assessment and plan data. This refutes claim 37.

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Features and Benefits', then 'Electronic Medical Records', then 'Prescription Writer and Medications'.

HOME

**Medication and Prescription Writer**

SUPPORT

Return to Electronic Medical Records Page

TRAINING

**Medications**

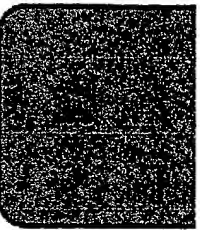
PURCHASE

DOWNLOADS

- Practice Today will allow you to create medication treatment plans; with one click you can prescribe all standard medications for a given illness, and then customize if necessary;
- Practice Today will maintain complete records of active and discontinued patient medications.
- Practice Today will retain reasons why a patient medication was discontinued of a given patient.

PRODUCTS

**Practice Today (Pro) includes a full-featured Prescription Writer**



**Major Features of Prescription Writer**

**Saves time writing prescriptions**

- In most cases, it takes only two clicks of the mouse to write a prescription;

**Complete formulary**

- A 10,000 entry formulary is included;
- You can add to, or edit the formulary;

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- You can access medications by categories;

#### **Checks interactions**

- Checks for drug-drug, drug-diagnosis, drug-allergy, and drug-pregnancy interactions;
- Interfaces with The Medical Letter® Adverse Drug Interaction Program;
- Alerts for fatal and non-fatal interactions;
- You can add to, edit, or delete drug interactions;

#### **Treatment Plans**

- You can setup medication treatment plans;
- Treatment plans can contain a medication regimen for a specific illness;

#### **Refills are simple**

- Keeps track of prescription refills;
- It takes only two clicks to refill and print a prescription;

#### **Prints prescriptions that are complete**

- Prescriptions display patient diagnoses, allergies;
- Medications can be prescribed by trade name or generically;
- National Drug Codes can be displayed if desired
- Prescriptions can display a gray security background if desired;
- Prescriptions can display a "patient education" message for each medication;

#### **Keep medications, allergies, and diagnoses up-to-date**

- Keeps track of patient allergies, and diagnoses;
- Prints patient allergies and diagnoses on prescription;

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- 
- Keeps track of patient medications, active and discontinued;

**FAX prescriptions to patient's pharmacy**

- Prescriptions can be easily faxed to the patient's pharmacy using WinFax;
- Keeps track of the patient's pharmacy;
- Patients can have multiple pharmacies;



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### Claim 31

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Patient Entry Screens', then 'Insured Person'.

Patient Entry - Doe, John Martin

Insurance #1 Insurance #2 Insurance #3 Waitlist Comp NSF Information

BLUEF ? EMP

Blue Shield Federal

Liverpool NY 13090

IC# 111223333

Group#

Plan Name

Local #421

Prior Fee level ?

Prior Pay \$12.00 % Prior Pay 100

Types ? Other plan? ☐

First Name John M Last Name Doe

Address 123 Main Street City Martinsburg State WV Zipcode 25401 ?

Home Phone (304) 555-5555 Work Phone (304) 555-3030 FAX (304) 555-1919

Date of Birth 05/22/1954 SSN 111-22-3333 Sex M Occupation ? Prior Insured Se

E-Mail jmd@aol.com

Medical Records

Patient Insu Emp Doc Student Dx Ians P/Bill Claims WC Cedit Notes IP Plan Apps Letters Contacts Family Misc

DONE

Claim 31 states "The system of claim 1, wherein the server software provides insurance processing." The Practice Today computer screen shows how patient insurance information is entered into the system. The Practice Today computer screen below shows how insurance claims are generated by Practice Today. This refutes claim 31.

**Claim 31 (continued)**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Patient Entry Screens', then 'Insurance Claims'.

Patent Entry - Doe, John Martin

Acct#

Family

Name

Next Appt

Next Recal

Pt Status

10001

10001

Doe, John Martin

08/31/2000

Insurance Claims

Insurance Claims were prepared on

Insurance Claims

BLUEF

EMP

Enter/Edit 1500

Print 1500

Relog

Enter/Edit 1500

Print 1500

	Date Billed	Insur	Net Charge	Am Due	Trans#1	Trans#2	Tran#
P	09/18/2000	BLUEF	\$195.00	\$171.00	90050	08/23/2000	9006
P	11/07/2000	BLUEF	\$260.00	\$248.00	90050	08/23/2000	9006

Add

Edit

Print

Remove

Medical Records

DONE

Patent

Insur

Emp

Doe

Student

Dx

Trans

Pt Bill

Claims

W/C

Credit

Notes

T/Plan

Appis

Letters

Contacts

Family

Misc

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**Claims 33 and 35**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Transaction Entry', then 'Add Transaction'.

**Add Transaction (Patient Info)**

Ptch #	12	Acct#	1001	Family#	1001	Name	Page John Martin																																
From Date	11/08/2000	To Date	11/08/2000	Charge	\$65.00	Pt Pays	\$12.00																																
Am. of Pmt		Type of Pmt		Inst. Pmt		Exh. CCH																																	
Recall		Fee Level		Ptch Desc	Office Visit																																		
<table border="1"> <tr> <th>Patient DW's</th> <th>Trans Diagnoses</th> <th>Modifiers</th> </tr> <tr> <td>#1 404.11</td> <td>#1 404.11</td> <td>#1</td> </tr> <tr> <td>#2 413.9</td> <td>#2 413.9</td> <td>#2</td> </tr> <tr> <td>#3</td> <td>#3</td> <td>#3</td> </tr> <tr> <td>#4</td> <td>#4</td> <td>#4</td> </tr> </table>								Patient DW's	Trans Diagnoses	Modifiers	#1 404.11	#1 404.11	#1	#2 413.9	#2 413.9	#2	#3	#3	#3	#4	#4	#4																	
Patient DW's	Trans Diagnoses	Modifiers																																					
#1 404.11	#1 404.11	#1																																					
#2 413.9	#2 413.9	#2																																					
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Claim 33 states "The system of claim 1, wherein the server software includes billing prioritization." In the Practice Today computer screen above, notice the 'Bill Ins', 'Bill Pt', and 'Bill WC' boxes at the bottom of the screen. This allowed the doctor to select which of the up-to-three insurance companies would be billed, and whether the patient and/or Workers' Compensation would be billed. This refutes claim 33.



Name of Applicant: Rodriguez-Cue, Domingo Application Number: 852358 Date Filed: May 9, 2001

Title: System and method for providing wireless, paperless medical care and communication

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**Claims 33 and 35 (continued)**

Claim 35 states "The system of claim 34, wherein the server software includes claims codes." All the codes necessary to bill an insurance claim are contained in the screen above. The Procedure code is in the upper left corner, the Diagnosis codes are on the left side, and various additional codes are in the middle (underneath the words 'POS/TOD/Days'. This refutes claim 35.

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**Claim 36**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Electronic Medical Records', then 'Scanned Documents'.

**Scanned Documents**

Account #	Name	Next Appt	Next Recall	Pt Status
1001	Doe, John William	08/31/2000		

Description	Date	Dr.	Filename
Workers' Comp - First Report	10/13/2000	ASD	c:\program files\practice today (prt)\docs\wp1001_1_0.prg

SCAN DISPLAY Input Edit Print

Navigation icons DONE

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**Claim 36 (continued)**

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Claim 36 states "The system of claim 1, wherein the clinical equipment provides functions selected from the group consisting of testing, analysis, scanning, communication with patients, and combinations thereof." The Practice Today computer screen above shows how Practice Today stored and managed scanned images. The computer screen below shows how Practice Today had word processing features, allowing the doctor to communicate with the patient about billing and about medical information. To the extent that claim 36 discusses the features of Practice Today, this refutes claim 36. The testing and analysis functions of the clinical equipment would already been patented by the inventor of the clinical equipment.

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**Claim 36 (continued)**

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Word Processing', then 'Editor Screen'.

Collection Letter #6.RTF

File Edit Format Window Help

Ms. Maggie Simpson  
123 Evergreen Terrace  
Springfield NY 13070

Dear Ms. Simpson,

The collection letter you recently received from us was sent in error. We are red-faced, to say the least.

We apologize for our clerical error, assure you that your account with us is in very good order, and will do all in our power to make sure that such an error does not happen again.

We look forward to continuing to serve you.

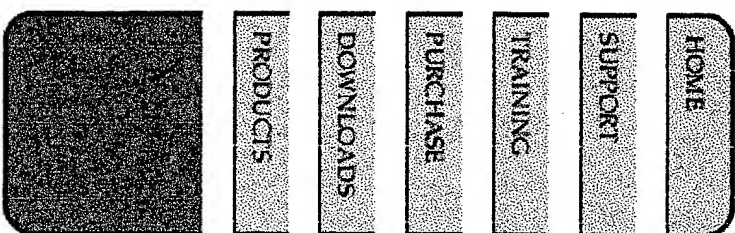
Sincerely,

Line 1 Col 1 Modified

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## Claim 39

In the application, claim 39 is basically a list of the features of Practice Today. From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the link 'Features and Benefits', and all the links you find on the Features and Benefits page. For example, look at the Electronic Medical Records page below.



### Electronic Medical Records

#### Return to Features Page

Practice Today revolves around a centralized patient record. This record has two components: Patient Information and Medical Information.

#### **Centralized Patient Record**

##### Screen Snapshots

- Practice Today maintains a centralized patient record that contains all important demographic, clinical, and transaction information. All patient registration information, appointments, insurance coverage, treatment plans, charge and payment postings, diagnoses, the tracking of statements and claims, medical notes, etc. derive from this consistent, readily available data.
- Changes are immediately available to all system workstations.

#### **Electronic Medical Records (EMR)**

##### Screen Snapshots

Practice Today provides you with immediate access to clinical information. It is designed to provide maximum flexibility and speed in creating, storing, and retrieving any patient medical information the practice wishes to maintain, i.e. diagnosis history, procedure history, and progress notes.

- Practice Today will easily merge patient medications, diagnoses,



allergies, vitals, and lab tests into the patient medical note.

- Practice Today will allow you to instantly bill from the patient's medical note. This means that, as you are entering your medical note, you merely highlight the procedure code - and click "Bill". It's done.
- You can create progress note templates and pull patient information into the template.
- Practice Today will check billed transactions for required diagnoses.
- Practice Today will keep track of active and discontinued medications.
- You can display incoming and outgoing referrals.
- Practice Today will generate and track patient consultation and education documents prepared with most any editor.
- Prescription Writer & Medications
- Medical Notes
- Medical Information
- Hospital Admissions
- S.O.A.P. Notes
- PTCards

#### **Free-Format Patient Notes & Message Center**

##### Screen Snapshots

- Maintains a central messaging system linked to patient records.

[ [Previous](#) | [Next](#) ]

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By comparing the lists of Practice Today's features with the list of features in claim 39, you will see that almost all of them are Practice Today features. The only ones that aren't Practice Today features are features of the other previously patented technologies mentioned in the application.

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### Claim 40

From the main page of the October 8, 2000 version of the website [www.legacypress.com](http://www.legacypress.com), follow the links 'Screen Snapshots', then 'Patient Entry Screens', then 'Basic Patient Info'.

Patient Entry - Doe, John Martin

### Collection

Account #	First Name		Middle Name	Last Name	Title	Nickname
1001	John		Martin	Doe		Full
Family Acct#	Address		Zipcode		State	City
1001	123 Main Street		25401		WV	Martinsburg
Alt ID#	Unlisted Home Phone	Work Phone	Ext	FAX	Email Address	
	(304) 555-5555	(304) 555-3030		(304) 555-1919	jind@aol.com	
Next App. Date	Date of Birth	Age	SSN	Sex	Martial Status	Empl Status
08/31/2000				M	S	F
Next Recall	Notes		Confidential		Bill Pt	Inst
			<input type="checkbox"/>		<input checked="" type="checkbox"/>	WC <input checked="" type="checkbox"/>
<div> <span>\$</span> <span>Pdure</span> <span>Alerts</span> <span>PT Card</span> <span>Print</span> </div>						

Medical Records

DONE

Claim 40 states "The template of claim 39, wherein the demographic information includes the patient's name, age, sex, employment, allergies, race, and combinations thereof." The Practice Today computer screen above shows basic demographic information. The patient's employer information would be shown if the doctor clicked on the 'Emp' tab. The patient's race would be shown if the doctor clicked on the 'Misc' tab. This refutes claim 40.

Name of Applicant: Rodriguez-Cue, Domingo      Application Number: 852358      Date Filed: May 9, 2001

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**Claims 1, 2, 16 through 26, 37, and 38**

To the extent that these claims discuss medical software, they are describing Practice Today. They also describe several other technologies that must have already been patented by someone else, such as; wireless connections between computers, LAN's, portable computers, universal equipment-integrating devices, computers with touch screens, WAN's, security software using encryption, biometric devices used for login, etc. Give that these technologies are already patented, how can the obvious step of using them in a medical office generate a new patent?

**Claim 41**

What is described here is the process of using Practice Today in a medical office, on a LAN or WAN with wireless connections, using a portable computer. Given that we had were already selling Practice Today years before Dr. Rodriguez-Cue submitted his patent application, this attempt to patent the process of using Practice Today is ludicrous.